

1895-070
Lee Co.

Chancery Causes: John M. Smith vs. John Z. Newman &c

Pugh

CA-Debt
T-Property

-Deed

John M.Smith

Plaintiff.

vs.

In Chancery.

Wm.Pugh and J.Z.Newman,

Defendants.

To the Honorable W.T.Miller, Judge of the Circuit Court for Lee County, Virginia:

Humbly complaining, your orator John M.Smith would respectfully represent and shew unto your honor that, on the 8th day of June 1895, before John F.Burgin, one of the Justices of said county, he obtained a judgment against Wm.Pugh and J.Z.Newman for the sum of One hundred dollars with interest thereon from the 1st day of Feby. 1894, till paid, and one dollar for his costs; that on the 8th day of June 1895 an execution was issued by the said John F.Burgin, Justice as aforesaid, and directed to M.R.Kirk, Deputy Sheriff Lee County, for collection; that the said execution was, on the 8th day of August 1895, by Tobias Hughes, a constable of said county, returned "no property found!" All of which will more fully and at large appear from an inspection of said judgment and execution which are herewith filed as a part hereof marked "A".

Your orator will further show your honor that on the 21st day of August 1895 said Judgment was duly docketed in Judgment Lien Docket No.3., for which your orator incurred 25 cents costs as will more fully and at large appear by reference to an attested transcript copy from said Lien Docket, herewith filed as a part hereof marked "B".

Your orator will now show your honor that the said John.Z. Newman is the owner of a tract of land or rather of an interest in a tract of land lying about 6 miles east of the Town of Jonesville, in said county, conveyed to him by Lavina M.Orr, and being lot No.6. laid off and assigned to her out of the lands of her father, Alex.Orr, deceased. The said John Z.Newman probably owns other lands in Lee County.

Your orator will now show your honor that the said Wm.Pugh is also the owner of a tract of land lying and being near to

the tract of the said John Z. Newman, aforesaid, which is all or a part of lot No. 4. laid off and assigned to the heirs of Rebecca Orr, out of the lands of her father Alex. Orr, now deceased. The Newman land is more fully described by a deed from Lavina Orr to him and his wife, herewith filed as a part hereof marked "C". The Pugh tract is described by a paper herewith filed marked "D" which is merely a ~~xx~~ description of said lot 4. taken from the report of the Commissioners who partitioned said lands of said Alex. Orr deceased.

It is almost impossible to tell from the records just how much, or how many tract of land, or interests in tracts of land the said Newman and Pugh own.

Your orator alleges that no part of his said judgement aforesaid has ever been paid.

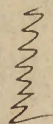
Your orator is advised that his judgment aforesaid ~~is~~ constitutes a lien upon the land aforesaid of the said John Z. Newman and Wm. Pugh aforesaid, and all other land, if any, owned by either of said parties.

Now the object of this bill is to collect the judgment aforesaid, and to subject the real estate of the said J. Z. Newman and Wm. Pugh to the payment thereof. And being without adequate remedy at law, your orator begs your honor's court of chancery to take cognisance of his cause and grant him the proper relief.

To this end he prays that John. Z. Newman and ^w~~H.~~ Pugh be made the parties defendant to this bil; that they be required to answer the same, but they need not do so on oath, that being ~~express~~ expressly waived; that a decree be rendered ordering a sale of ~~the~~ ^{the} the lands aforesaid or any other lands of the said John Z. Newman or Wm. Pugh or enough thereof to satisfy said judgment aforesaid. Your orator prays for full general relief. May Spa. issue &c.

Dumaine & Hyatt, p. q.

John M. Smith

vs.  Bill in Chy.

J. F. Newman et als.

Vancouver & Hyatt. 29.

VIRGINIA---Lee County, to-wit:

To *M R Kirk D. S.*, Constable of Said County.

I HEREBY COMMAND YOU TO SUMMON *Wm Pugh & J. G. Newman*, if to be found in your District, to appear at *J. F. Burgin*, in said County, on the *8* day of *June* 189*5*, before me or such other Justice of said County as may then be there, to try this Warrant, to answer the complaint of *John M. Smith* and upon a claim for money not exceeding \$100, exclusive of interest, to-wit: for the sum of \$ *100.00*, due by *Note*. And then and there make return of this Warrant.

Given under my hand the *30* day of *May* 189*5*, *J. P.*

J. F. Burgin J. P.

John M. Smith

Against

Wm. Pugh and J. G. Newman

On the *8* day of *June* 189*5*

In Debt.

At *J. F. Burgin Dwelling house*, in said County.

JUDGMENT, That the Plaintiff recover of the Defendant, \$ *100.00*, with interest thereon from the *1*

day of *Feb* 189*4*, 189, till paid, and \$ *1.00* for costs.

John F. Burgin, J. P.

VIRGINIA, Lee County, to-wit:

To *M. R. Kirk D. S. L. C.*, Constable of Said County:

I COMMAND YOU in the name of the Commonwealth of Virginia, That of the goods and chattles of *Wm Pugh and John G. Newman* in your County, you cause to be made the sum of \$ *100.00* with interest thereon from the *first* day of *February* 189*4*, till paid, which *John M. Smith* has recovered before me in a Warrant in Debt, and also the sum of \$ *1.00*, which were adjudged to said *John M. Smith* for costs in prosecuting said Warrant. GIVEN under my hand *this 8* day of *June* 189*5*, *John F. Burgin J. P.*

John M Smith
vs Copy - Judgment -
Wm Pugh et al

C 25-

Judgment				Debit	Credit
Date of Judgment	By what Court Rendered	Time of Rendering	Names and Description of Parties	Debt, Damages, interest and Costs	Amount and Date of Credits
1895 June 8th	Justice of Peace	1895 Aug 21st	John M. Smith Plff - VS Wm. Pugh & J. Z. Newman Dfts	Judgment for \$100. with interest from 1st day of February 1894 until paid & Costs \$25.	

A copy -
 Lest. J. V. F. Richmond Clerk

This deed made and entered into this the 8th day of October 1892. by & between Lavina M. Orr of the 1st part - and John Z Newman & Emily L. Newman parties of the second part witnesseth, that for and in consideration of the sum of Two Hundred dollars cash in hand paid at and before this writing I hereby convey unto the parties of the second part all my right title and interest in the lands of Alex Orr father of the party of the 1st part. It being lot No 6, on the plat of the partition of the lands of said Alex Orr deceased, and described as follows. Beginning at (12) a stake corner to lot No 5. thence with same S $49\frac{3}{4}$ west 152 poles to a stake, thenceburn's line and with the same S $24\frac{1}{4}$ E $20\frac{3}{4}$ poles to a stake N $49\frac{3}{4}$ E 150 poles to a stake on original line, and with the same N $17\frac{1}{4}$ W $21\frac{1}{2}$ poles to the beginning, containing 19 acres be the same more or less and included by 12-11-13-14 On the original plat in the Case of Alexander Orr vs Mary Orr & others. To have and to hold the said tract of land to themselves, their heirs and assigns forever, all the lands herein contained, and the party of the first part Covenants to warrant and defend to the parties of the 2nd part a clear and undisputed title to all the lands herein conveyed forever. in witness whereof I herein set my hand and affix my seal the day and date above written. Witness my hand & seal.

Lavina M. ^{her} _{incorp} Orr (Seal)

1 State of Virginia County of Lee - to wit:

2 I John R. Gibson Clerk of Lee County Court,
3 in the State aforesaid do Certify that Ravina
4 W Orr whose name is signed to the Writing above
5 bearing date October 8th 1892 has acknowledged
6 the same before me in my office aforesaid, and
7 said deed is admitted to record. Given under
8 my hand this October 8th day 1892.

9 John R. Gibson Clerk.

10 A copy.

11 Teste: J. V. L. Richmond Clerk.

Lavinia M. Orr
~~Copy~~ Copy - Dad.
John G. Newman wife

c 40 cts

"c"

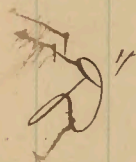
We next assign lot No 4 to the heirs of Rebecca Orr
 deceased lying in two parts and may be seen
 at K. L. M. N. P. Q. R. S. T. U. We began at J
 ran N 52° E 40 $\frac{1}{2}$ poles to T. a stake on Spranglers
 line and with it S 22° $\frac{1}{2}$ E 79 $\frac{3}{4}$ poles to two
 White oaks one on either side of the Wagon
 Road. at Corner to Littons and Sprangler at S. N
 71° W 18 poles along said Road to a stake at
 N 56. W 7 poles to stake at Q. N 82 W 3 poles
 to P. S 65° $\frac{1}{4}$ W 10 poles to O. N 85° W 13 poles to
 J at a praufraw where a dogwood was called
 for. the other lot begins at the praufraw at J
 ran S 73° W 9 poles to U 65° W 16 poles to a
 Stake at M. then S 35° E 44 $\frac{2}{3}$ poles to L.
 Corner to lot No 3. on Littons line and with it
 N 57° E 16 $\frac{1}{2}$ poles to K. Littons Corner then
 N 22° $\frac{1}{2}$ W 40 poles to the praufraw Corner in the
 Northern edge of the old wagon Road.

A copy-

Teste: J. V. F. Richmond Clerk.

Copy lot- No 4
in partition of the lands
John Smith deceased

C 25.



95- 10 7
 94 2 1
 1 8 6

.06
 .04
 .001
 .101
 100
 10.100

92.20
 .021
 92.20
 18440
 1.93620

C. 25-
 .40
 .25
 .90
 .25
 \$1.15

Ant. of note

Int thereon from Feby 1st
 1894 to Oct 7 1895

Ant Cr. note \$92.20
 Int from June 2 1.93
 1895 to Oct 7 1895 94.13

95- 10 7
 95- 6 2
 4 6

Clerk

C. 2.87 + 1.50 = 4.37 ✓
 A. 15.00
 \$ 1.00 ✓

100.00

10.10

110.10

94.13

15.97

1.00

~~28~~

1.50

16.97

$$\begin{array}{r} 9 \overline{) 145} \\ \underline{16,} \end{array}$$

$$\begin{array}{r} 9 \overline{) 3500} \quad (38 \\ \underline{27} \\ 80 \\ \underline{72} \\ 8 \end{array}$$

117
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 250
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25
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 36
 40

2.87
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487

W

$$\begin{array}{r}
 4700 \\
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 18800 \\
 7\frac{1}{2} \\
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 94 \\
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 \$1410
 \end{array}$$

$$\begin{array}{r}
 80 \\
 18 \\
 10 \\
 20 \\
 \hline
 78
 \end{array}$$

$$\begin{array}{r}
 83 \\
 78 \\
 \hline
 51
 \end{array}$$

John M. Smith
vs ³/₂ Chancery.

J. G. Newman et al

Duncan & Hyatt, p. g.

1895-2nd Oct rules dis-
missed by Plaintiff